| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/716,605 | 11/20/2003 | Max C. Knees | 200311038 | 7176 |

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| EXAMINER |
|---|
| KEEFER, MICHAEL E |

| ART UNIT | PAPER NUMBER |
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| 2154 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
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*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on *11 October 2007*.

2a) ☒ This action is **FINAL**.     2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-17* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

1.      This Office Action is responsive to the Application filed 10/11/2007.

### *Claim Rejections - 35 USC § 102*

2.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.      Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Raab et

al. (US 5850397), hereafter Raab.

Regarding **claims 1, 8 and 11**, Raab discloses:

dividing the network into zones of network devices; (Raab divides the network into

"spheres" which are zones. (Abstract))

in a first zone of the network, identifying devices in the zone that have

SNMP(Simple Network Management Protocol) access; (Raab identifies at least

one SNMP-aware agent for each sphere, step 404)

collecting data from the identified devices; (step 408)

stitching the collected data into a topology of the network.(step 412)

Regarding **claims 2, 10 and 12 as applied to claims 1, 8 and 11**, Raab

discloses:

repeating the steps of identifying, collecting and stitching for each zone in the network.

(Step 410 repeats the process until all spheres are resolved.)

Regarding **claims 3, and 13, as applied to claims 1 and 11**, Raab discloses:

dispatching identified devices in the zone to agents; and collecting the data from the

identified devices via the agents using the SNMP access. (the identified devices in each

sphere are inherently assigned to a snmp agent from which the global agent retrieves

topology data from. See Col. 6, as well as the definitions in col. 10 describing various

SNMP agents that are available to handle individual devices.)

Regarding **claims 4 and 14 as applied to claims 1, 3, and 11**, Raab discloses:

caching the collected data; and downloading the topology into a database. (the

collected data is inherently cached as it is not possible to detect a change in topology

without having the previous configuration.)

Regarding **claims 5 and 15 and as applied to claims 1 and 11**, Raab

discloses:

a first module receiving a list of managed nodes in the network and publishing

the list of managed nodes to a first file; (it is inherent that the list of nodes is a file; a list

of nodes is generated during sphere determination as disclosed in Col. 6)

a second module reading the first file and inserting data from the first file into a

returns portion of a first database invoking a third module upon each insertion of data

from the first file into the returns portion of the first database, which inserts data from the

returns portion of the first database into a processing portion of the first database; (Col.

6 discloses two "sets" or databases, one for discovered and unprossesed networks, and

one for processed networks.)

invoking a fourth module upon each insertion of data into the processing portion of the first database, the fourth module identifying nodes corresponding to the inserted data to a dispatch portion of a second database; and (Col. 6 lines 39-56)

a details agent obtaining node identifications from the dispatch portion of the second database, performing queries to the nodes corresponding to the node identifications, and inserting information received in response to the queries into a returns portion of the second database. (Col. 6 lines 48-61)

Regarding **claims 6 and 16 and as applied to claims 1, 5, 11 and 15**, Raab discloses:

invoking a fifth module, which accesses the returns portion of the second database, computes a list of the zones, and dispatches valid nodes in the first zone to active agents via a dispatch portion of a third database; the agents collecting data from the valid nodes and returning the collected data to a returns portion of the third database.      (Col. 11, lines 30-56 describe how a particular node is assigned to a particular sphere agent (i.e. a dispatch portion of a third database))

Regarding **claims 7 and 17 and as applied to claims 1, 5-6, 11, and 15-16**, Raab discloses:

invoking a sixth module, which causes the collected data in the returns portion of the third database to be processed into discovery topology data of the network and then downloaded; invoking a seventh module, which clears the dispatch and returns portions of the third database and refreshes topology and layer databases and signals that topological analysis with respect to the zone has been completed. (It is disclosed that

after a sphere is completed its information is removed from the set of spheres that need

to be determined (Col. 9), and after the spheres are determined, the topology

determination and aggregation described in columns 9 and 10 take place.)

Regarding **claim 9, and as applied to claim 10**, Raab discloses:

a Graphical User Interface; and the system comprises means for caching data. (the

collected data is inherently cached as it is not possible to detect a change in topology

without having the previous configuration.)

4.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.      Claims 1, 8, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by

Goringe et al (US 2003/0043820), hereafter Goringe.

Regarding **claims 1, 8 and 11**, Raab discloses:

dividing the network into zones of network devices; (Goringe discloses dividing a

network into regions ([0009] lines 2-3)

in a first zone of the network, identifying devices in the zone that have

SNMP([0049] discloses identifying if the device being evaluated is capable of

SNMP (i.e. there is not a SNMP error. See lines 11-12.))

collecting data from the identified devices; (If the device successfully

supports SNMP collects information from the device, [0049] lines 12-19)

stitching the collected data into a topology of the network.(lines 9-11 of the

abstract))

### *Response to Arguments*

6.      Applicant's arguments filed 10/11/2007 have been fully considered but they are

not persuasive.

7.      Applicant argues that Raab does not disclose the limitation that the SNMP

devices are not identified using a set of queries.

8.      Applicant argues that Goringe fails to disclose that identified routers have SNMP

access, and asserts that "the use of a router table is not analogous to Applicant's

claimed set of queries".

9.      Regarding Applicant's arguments about Raab, in Fig. 4a, set 402 discloses

querying to see what network type the network is, therefore, it is querying to see which

SNMP enabled sphere agent should be used. (In essence, this querying to determine

the network type could also be that it is checking to see if the 'sphere' is an SNMP

enabled network. Therefore it would select a SNMP sphere agent.)

10.      Regarding Applicant's arguments about Goringe, the Examiner points out that he

never stated that a router table is the same as a set of queries. However, the Examiner

does point out that the routers -are- queried to see if they are SNMP enabled. In

paragraph 49, it is described that the routers are sent a SNMP query for data, which is

then collected if there is no SNMP error. Therefore, the system is querying to see if the

router is SNMP enabled. Additionally, since it is testing to see if the router is SNMP enabled, it stands to reason that at least one of the routers would be SNMP enabled.

11.     The Examiner further notes that Applicant did not amend Independent claim 11 to include the "through a set of queries" limitation; but these arguments would apply equally to that claim if it were amended such.

### Conclusion

12.     **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Keefer whose telephone number is (571) 270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 12/19/2007

NATHAN FLYNN
SUPERVISORY PATENT EXAMINER